

General Assembly

Raised Bill No. 6605

January Session, 2009

LCO No. 3678

03678_____ET_

Referred to Committee on Energy and Technology

Introduced by: (ET)

AN ACT ESTABLISHING A DEPARTMENT OF CLEAN ENERGY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (Effective from passage) (a) There is established a
- 2 Department of Clean Energy. The department head shall be the
- 3 Commissioner of Clean Energy, who shall be appointed by the
- 4 Governor in accordance with the provisions of sections 4-5 to 4-8,
- 5 inclusive, of the general statutes, as amended by this act, with the
- 6 powers and duties therein prescribed.
- 7 (b) The Department of Clean Energy shall constitute a successor
- 8 department to the Renewable Energy Investments Board, in
- 9 accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the
- 10 general statutes.
- 11 (c) If the term "Renewable Energy Investments Board" is used or
- 12 referred to in any public or special act of 2009, or in any section of the
- 13 general statutes that is amended in 2009, it shall be deemed to refer to
- 14 the Department of Clean Energy.
- 15 Sec. 2. Section 4-5 of the general statutes is repealed and the

16 following is substituted in lieu thereof (*Effective from passage*):

17 As used in sections 4-6, 4-7 and 4-8, the term "department head" 18 means Secretary of the Office of Policy and Management, 19 Commissioner of Administrative Services, Commissioner of Revenue 20 Services, Banking Commissioner, Commissioner of Children and 21 Families, Commissioner of Consumer Protection, Commissioner of 22 Correction, Commissioner of Economic and Community Development, 23 State Board of Education, Commissioner of Emergency Management 24 and Homeland Security, Commissioner of Environmental Protection, 25 Commissioner of Agriculture, Commissioner of Public Health, 26 Insurance Commissioner, Labor Commissioner, Liquor Control 27 Commission, Commissioner of Mental Health and Addiction Services, 28 Commissioner of Public Safety, Commissioner of Social Services, 29 Commissioner of Developmental Services, Commissioner of Motor 30 Vehicles, Commissioner of Transportation, Commissioner of Public Works, Commissioner of Veterans' Affairs, Commissioner of Health 31 32 Care Access, Commissioner of Clean Energy, Chief Information 33 Officer, the chairperson of the Public Utilities Control Authority, the 34 executive director of the Board of Education and Services for the Blind, the executive director of the Connecticut Commission on Culture and 35 36 Tourism, the Ombudsman for Property Rights and the executive 37 director of the Office of Military Affairs. As used in sections 4-6 and 4-38 7, "department head" also means the Commissioner of Education.

- Sec. 3. Section 16-245n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (a) For purposes of this section, "renewable energy" means solar photovoltaic energy, solar thermal, geothermal energy, wind, ocean thermal energy, wave or tidal energy, fuel cells, landfill gas, hydropower that meets the low-impact standards of the Low-Impact Hydropower Institute, hydrogen production and hydrogen conversion technologies, low emission advanced biomass conversion technologies, alternative fuels, used for electricity generation including ethanol,

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biodiesel or other fuel produced in Connecticut and derived from agricultural produce, food waste or waste vegetable oil, provided the Commissioner of Environmental Protection determines that such fuels provide net reductions in greenhouse gas emissions and fossil fuel consumption, usable electricity from combined heat and power systems with waste heat recovery systems, thermal storage systems and other energy resources and emerging technologies which have significant potential for commercialization and which do not involve the combustion of coal, petroleum or petroleum products, municipal solid waste or nuclear fission.

(b) On and after July 1, 2004, the Department of Public Utility Control shall assess or cause to be assessed a charge of not less than one mill per kilowatt hour charged to each end use customer of electric services in this state which shall be deposited into the Renewable Energy Investment Fund established under subsection (c) of this section. Notwithstanding the provisions of this section, receipts from such charges shall be disbursed to the resources of the General Fund during the period from July 1, 2003, to June 30, 2005, unless the department shall, on or before October 30, 2003, issue a financing order for each affected distribution company in accordance with sections 16-245e to 16-245k, inclusive, to sustain funding of renewable energy investment programs by substituting an equivalent amount, as determined by the department in such financing order, of proceeds of rate reduction bonds for disbursement to the resources of the General Fund during the period from July 1, 2003, to June 30, 2005. The department may authorize in such financing order the issuance of rate reduction bonds that substitute for disbursement to the General Fund for receipts of both charges under this subsection and subsection (a) of section 16-245m, as amended by this act, and also may in its discretion authorize the issuance of rate reduction bonds under this subsection and subsection (a) of section 16-245m, as amended by this act, that relate to more than one electric distribution company. The department shall, in such financing order or other appropriate order, offset any increase in the competitive transition assessment necessary to pay

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principal, premium, if any, interest and expenses of the issuance of such rate reduction bonds by making an equivalent reduction to the charges imposed under this subsection, provided any failure to offset all or any portion of such increase in the competitive transition assessment shall not affect the need to implement the full amount of such increase as required by this subsection and sections 16-245e to 16-245k, inclusive. Such financing order shall also provide if the rate reduction bonds are not issued, any unrecovered funds expended and committed by the electric distribution companies for renewable resource investment through deposits into the Renewable Energy Investment Fund, provided such expenditures were approved by the department following August 20, 2003, and prior to the date of determination that the rate reduction bonds cannot be issued, shall be recovered by the companies from their respective competitive transition assessment or systems benefits charge except that such expenditures shall not exceed one million dollars per month. All receipts from the remaining charges imposed under this subsection, after reduction of such charges to offset the increase in the competitive transition assessment as provided in this subsection, shall be disbursed to the Renewable Energy Investment Fund commencing as of July 1, 2003. Any increase in the competitive transition assessment or decrease in the renewable energy investment component of an electric distribution company's rates resulting from the issuance of or obligations under rate reduction bonds shall be included as rate adjustments on customer bills.

(c) There is hereby created a Renewable Energy Investment Fund which shall be within [Connecticut Innovations, Incorporated for administrative purposes only] the Department of Clean Energy. The fund may receive any amount required by law to be deposited into the fund and may receive any federal funds as may become available to the state. [for renewable energy investments. Upon authorization of the Renewable Energy Investments Board established pursuant to subsection (d) of this section, Connecticut Innovations, Incorporated, may use any amount in said fund for expenditures that promote

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116 investment in renewable energy sources in accordance with a 117 comprehensive plan developed by it to foster the growth, development 118 and commercialization of renewable energy sources, related 119 enterprises and stimulate demand for renewable energy and 120 deployment of renewable energy sources that serve end use customers 121 in this state and for the further purpose of supporting operational 122 demonstration projects for advanced technologies that reduce energy 123 use from traditional sources.] The Commissioner of Clean Energy shall 124 use the resources of said fund to achieve the following goals: (1) 125 Ensure that the living standards of state residents are not jeopardized 126 by future oil shortages and price increases, (2) maximize economic 127 opportunities for state workers in emerging clean energy industries, (3) 128 reduce carbon emissions through greater reliance on clean renewable 129 energy sources and energy conservation, and (4) promote energy 130 independence and distributed production. Said commissioner shall use 131 the resources of said fund for (A) planning for future fossil fuel 132 shortages and price increases, (B) creating and implementing a 133 strategy to attain energy independence and maximizing employment opportunities by building a clean energy economy, (C) attracting 134 135 renewable energy manufacturing firms to the state, (D) purchasing and 136 installing renewable energy systems at state and municipal properties, 137 residential homes and businesses, (E) consolidating, funding and improving energy conservation programs, (F) identifying and 138 139 designing training programs to provide needed skills to workers in 140 green industries, and (G) promoting farming in the state to ensure food 141 security, safety and the efficient use of energy. Such expenditures may 142 include, but not be limited to, reimbursement for services provided by 143 the administrator of the fund including a management fee, 144 Idisbursements from the fund to develop and carry out the plan 145 developed pursuant to subsection (d) of this section, grants, direct or 146 equity investments, contracts or other actions which support research, 147 development, manufacture, commercialization, deployment and 148 installation of renewable energy technologies, and actions which 149 expand the expertise of individuals, businesses and lending

institutions with regard to renewable energy technologies.

I(d) There is hereby created a Renewable Energy Investments Board to act on matters related to the Renewable Energy Investment Fund, including, but not limited to, development of a comprehensive plan and expenditure of funds. The Renewable Energy Investments Board shall, in such plan, give preference to projects that maximize the reduction of federally mandated congestion charges. The Renewable Energy Investments Board shall make a draft of the comprehensive plan available for public comment for not less than thirty days. The board shall conduct three public hearings in three different regions of the state on the draft comprehensive plan and shall include a summarization of all public comments received at said public hearings in the final comprehensive plan approved by the board. The board shall provide a copy of the comprehensive plan, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to energy and commerce. The Department of Public Utility Control shall, in an uncontested proceeding, during which the department may hold a public hearing, approve, modify or reject the comprehensive plan prepared pursuant to this subsection.

(e) The Renewable Energy Investments Board shall include not more than fifteen individuals with knowledge and experience in matters related to the purpose and activities of the Renewable Energy Investment Fund. The board shall consist of the following members: (1) One person with expertise regarding renewable energy resources appointed by the speaker of the House of Representatives; (2) one person representing a state or regional organization primarily concerned with environmental protection appointed by the president pro tempore of the Senate; (3) one person with experience in business or commercial investments appointed by the majority leader of the House of Representatives; (4) one person representing a state or regional organization primarily concerned with environmental protection appointed by the majority leader of the Senate; (5) one

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person with experience in business or commercial investments appointed by the minority leader of the House of Representatives; (6) the Commissioner of Emergency Management and Homeland Security or the commissioner's designee; (7) one person with expertise regarding renewable energy resources appointed by the Governor; (8) two persons with experience in business or commercial investments appointed by the board of directors of Connecticut Innovations, Incorporated; (9) a representative of a state-wide business association, manufacturing association or chamber of commerce appointed by the minority leader of the Senate; (10) the Consumer Counsel; (11) the Secretary of the Office of Policy and Management or the secretary's designee; (12) the Commissioner of Environmental Protection or the commissioner's designee; (13) a representative of organized labor appointed by the Governor; and (14) a representative of residential customers or low-income customers appointed by Governor. On a biennial basis, the board shall elect a chairperson and vice-chairperson from among its members and shall adopt such bylaws and procedures it deems necessary to carry out its functions. The board may establish committees and subcommittees as necessary to conduct its business.]

[(f)] (d) The [board] Commissioner of Clean Energy shall issue annually a report to the Department of Public Utility Control reviewing the activities of the Renewable Energy Investment Fund in detail and shall provide a copy of such report, in accordance with the provisions of section 11-4a, to the Office of Policy and Management and the joint standing committees of the General Assembly having cognizance of matters relating to energy, appropriations and commerce and the Office of Consumer Counsel. The report shall document (1) the progress in implementing the goals of the Department of Clean Energy and identify future energy and climate-related concerns and recommendations for further action, (2) the population results to which each program receiving moneys from the fund makes a significant contribution, (3) indicators for such population results, and (4) measures of quality and client outcomes for each such program, according to results based accountability

- 217 principles approved by the Office of Fiscal Analysis. The report shall
- 218 also include a description of the programs and activities undertaken
- 219 during the reporting period jointly or in collaboration with the Energy
- 220 Conservation and Load Management Funds established pursuant to
- 221 section 16-245m, as amended by this act.
- 222 [(g)] (e) There shall be a joint committee of the Energy Conservation
- 223 Management Board and the [Renewable Energy Investments Board]
- 224 Department of Clean Energy, as provided in subdivision (2) of
- 225 subsection (d) of section 16-245m, as amended by this act.
- 226 [(h)] (f) No later than December 31, [2006] 2011, and no later than
- 227 December thirty-first every five years thereafter, the [board]
- 228 Commissioner of Clean Energy shall, after consulting with the Energy
- 229 Conservation Management Board, conduct an evaluation of the
- 230 performance of the programs and activities of the fund and submit a
- 231 report, in accordance with the provisions of section 11-4a, of the
- 232 evaluation to the joint standing committees of the General Assembly
- 233 having cognizance of matters relating to energy and commerce.
- 234 Sec. 4. Section 16-245m of the general statutes is repealed and the
- 235 following is substituted in lieu thereof (*Effective from passage*):
- 236 (a) (1) On and after January 1, 2000, the Department of Public Utility
- 237 Control shall assess or cause to be assessed a charge of three mills per
- 238 kilowatt hour of electricity sold to each end use customer of an electric
- 239 distribution company to be used to implement the program as
- 240 provided in this section for conservation and load management
- 241 programs but not for the amortization of costs incurred prior to July 1,
- 242 1997, for such conservation and load management programs.
- 243 (2) Notwithstanding the provisions of this section, receipts from
- 244 such charge shall be disbursed to the resources of the General Fund
- 245 during the period from July 1, 2003, to June 30, 2005, unless the
- 246 department shall, on or before October 30, 2003, issue a financing order
- 247 for each affected electric distribution company in accordance with

sections 16-245e to 16-245k, inclusive, to sustain funding of conservation and load management programs by substituting an equivalent amount, as determined by the department in such financing order, of proceeds of rate reduction bonds for disbursement to the resources of the General Fund during the period from July 1, 2003, to June 30, 2005. The department may authorize in such financing order the issuance of rate reduction bonds that substitute for disbursement to the General Fund for receipts of both the charge under this subsection and under subsection (b) of section 16-245n, as amended by this act, and also may, in its discretion, authorize the issuance of rate reduction bonds under this subsection and subsection (b) of section 16-245n, as amended by this act, that relate to more than one electric distribution company. The department shall, in such financing order or other appropriate order, offset any increase in the competitive transition assessment necessary to pay principal, premium, if any, interest and expenses of the issuance of such rate reduction bonds by making an equivalent reduction to the charge imposed under this subsection, provided any failure to offset all or any portion of such increase in the competitive transition assessment shall not affect the need to implement the full amount of such increase as required by this subsection and by sections 16-245e to 16-245k, inclusive. Such financing order shall also provide if the rate reduction bonds are not issued, any unrecovered funds expended and committed by the electric distribution companies for conservation and load management programs, provided such expenditures were approved by the department after August 20, 2003, and prior to the date of determination that the rate reduction bonds cannot be issued, shall be recovered by the companies from their respective competitive transition assessment or systems benefits charge but such expenditures shall not exceed four million dollars per month. All receipts from the remaining charge imposed under this subsection, after reduction of such charge to offset the increase in the competitive transition assessment as provided in this subsection, shall be disbursed to the Energy Conservation and Load Management Fund commencing as of

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July 1, 2003. Any increase in the competitive transition assessment or decrease in the conservation and load management component of an electric distribution company's rates resulting from the issuance of or obligations under rate reduction bonds shall be included as rate adjustments on customer bills.

- (b) The electric distribution company shall establish an Energy Conservation and Load Management Fund which shall be held separate and apart from all other funds or accounts. Receipts from the charge imposed under subsection (a) of this section shall be deposited into the fund. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fiscal year next succeeding. Disbursements from the fund by electric distribution companies to carry out the plan developed under subsection (d) of this section shall be authorized by the Department of Public Utility Control upon its approval of such plan.
- (c) The Department of Public Utility Control shall appoint and convene an Energy Conservation Management Board which shall include representatives of: (1) An environmental group knowledgeable in energy conservation program collaboratives; (2) the Office of Consumer Counsel; (3) the Attorney General; (4) the Department of Environmental Protection; (5) the electric distribution companies in whose territories the activities take place for such programs; (6) a statewide manufacturing association; (7) a chamber of commerce; (8) a state-wide business association; (9) a state-wide retail organization; (10) a representative of a municipal electric energy cooperative created pursuant to chapter 101a; (11) two representatives selected by the gas companies in this state; and (12) residential customers. Such members shall serve for a period of five years and may be reappointed. Representatives of the gas companies shall not vote on matters unrelated to gas conservation. Representatives of the electric distribution companies and the municipal electric energy cooperative shall not vote on matters unrelated to electricity conservation.

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(d) (1) The Energy Conservation Management Board shall advise and assist the electric distribution companies in the development and implementation of a comprehensive plan, which plan shall be approved by the Department of Public Utility Control, to implement cost-effective energy conservation programs and market transformation initiatives. Each program contained in the plan shall be reviewed by the electric distribution company and either accepted or rejected by the Energy Conservation Management Board prior to submission to the department for approval. The Energy Conservation Management Board shall, as part of its review, examine opportunities to offer joint programs providing similar efficiency measures that save more than one fuel resource or otherwise to coordinate programs targeted at saving more than one fuel resource. Any costs for joint programs shall be allocated equitably among the conservation programs. The Energy Conservation Management Board shall give preference to projects that maximize the reduction of federally mandated congestion charges. The Department of Public Utility Control shall, in an uncontested proceeding during which the department may hold a public hearing, approve, modify or reject the comprehensive plan prepared pursuant to this subsection.

- (2) There shall be a joint committee of the Energy Conservation Management Board and the [Renewable Energy Investments Board] Department of Clean Energy. The board and the [advisory committee] Commissioner of Clean Energy shall each appoint members to such joint committee. The joint committee shall examine opportunities to coordinate the programs and activities funded by the Renewable Energy Investment Fund pursuant to section 16-245n, as amended by this act, with the programs and activities contained in the plan developed under this subsection to reduce the long-term cost, environmental impacts and security risks of energy in the state. [Such joint committee shall hold its first meeting on or before August 1, 2005.]
- 346 (3) Programs included in the plan developed under subdivision (1)

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of this subsection shall be screened through cost-effectiveness testing which compares the value and payback period of program benefits to program costs to ensure that programs are designed to obtain energy savings and system benefits, including mitigation of federally mandated congestion charges, whose value is greater than the costs of the programs. Cost-effectiveness testing shall utilize available information obtained from real-time monitoring systems to ensure accurate validation and verification of energy use. Such testing shall include an analysis of the effects of investments on increasing the state's load factor. Program cost-effectiveness shall be reviewed annually, or otherwise as is practicable. If a program is determined to fail the cost-effectiveness test as part of the review process, it shall either be modified to meet the test or shall be terminated. On or before [March 1, 2005, and on or before] March first annually, [thereafter,] the board shall provide a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to energy and the environment (A) that documents expenditures and fund balances and evaluates the cost-effectiveness of such programs conducted in the preceding year, and (B) that documents the extent to and manner in which the programs of such board collaborated and cooperated with programs, established under section 7-233y, of municipal electric energy cooperatives. To maximize the reduction of federally mandated congestion charges, programs in the plan may allow disproportionate allocations between the amount of contributions to the Energy Conservation and Load Management Funds by a certain rate class and the programs that benefit such a rate class. Before conducting such evaluation, the board shall consult with the [Renewable Energy Investments Board] <u>Commissioner of Clean</u> Energy. The report shall include a description of the activities undertaken during the reporting period jointly or in collaboration with the Renewable Energy Investment Fund established pursuant to subsection (c) of section 16-245n, as amended by this act.

(4) Programs included in the plan developed under subdivision (1)

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of this subsection may include, but not be limited to: (A) Conservation and load management programs, including programs that benefit lowincome individuals; (B) research, development and commercialization of products or processes which are more energy-efficient than those generally available; (C) development of markets for such products and processes; (D) support for energy use assessment, real-time monitoring systems, engineering studies and services related to new construction major building renovation; (E) the design, manufacture, commercialization and purchase of energy-efficient appliances and heating, air conditioning and lighting devices; (F) program planning and evaluation; (G) indoor air quality programs relating to energy conservation; (H) joint fuel conservation initiatives programs targeted at reducing consumption of more than one fuel resource; (I) public education regarding conservation; and (J) the demand-side technology programs recommended by the procurement plan approved by the Department of Public Utility Control pursuant to section 16a-3a. Such support may be by direct funding, manufacturers' rebates, sale price and loan subsidies, leases and promotional and educational activities. The plan shall also provide for expenditures by the Energy Conservation Management Board for the retention of expert consultants and reasonable administrative costs provided such consultants shall not be employed by, or have any contractual relationship with, an electric distribution company. Such costs shall not exceed five per cent of the total revenue collected from the assessment.

(e) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the Department of Public Utility Control shall authorize the disbursement of a total of one million dollars in each month, commencing with July, 2003, and ending with July, 2005, from the Energy Conservation and Load Management Funds established pursuant to said subsections. The amount disbursed from each Energy Conservation and Load Management Fund shall be proportionately based on the receipts received by each fund. Such disbursements shall be deposited in the General Fund.

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- 415 (f) No later than December 31, [2006] 2011, and no later than 416 December thirty-first every five years thereafter, the Energy 417 Conservation Management Board shall, after consulting with the 418 [Renewable Energy Investments Board] Commissioner of Clean 419 Energy, conduct an evaluation of the performance of the programs and 420 activities of the fund and submit a report, in accordance with the 421 provisions of section 11-4a, of the evaluation to the joint standing 422 committee of the General Assembly having cognizance of matters 423 relating to energy.
- 424 (g) Repealed by P.A. 06-186, S. 91, effective July 1, 2006.
- 425 Sec. 5. (NEW) (Effective from passage) (a) For the purposes described 426 in subsection (b) of this section, the State Bond Commission shall have 427 the power, from time to time, to authorize the issuance of bonds of the 428 state in one or more series and in principal amounts not exceeding in 429 the aggregate two billion dollars.
- 430 (b) The proceeds of the sale of said bonds, to the extent of the 431 amount stated in subsection (a) of this section, shall be deposited in the 432 Renewable Energy Investment Fund created in subsection (c) of section 433 16-245n of the general statutes, as amended by this act, and used by the 434 Department of Clean Energy for the purposes of said subsection.
- (c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to 442 time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided 444 in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that

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447 there has been filed with it a request for such authorization which is 448 signed by or on behalf of the Secretary of the Office of Policy and 449 Management and states such terms and conditions as said commission, 450 in its discretion, may require. Said bonds issued pursuant to this 451 section shall be general obligations of the state and the full faith and 452 credit of the state of Connecticut are pledged for the payment of the 453 principal of and interest on said bonds as the same become due, and 454 accordingly and as part of the contract of the state with the holders of 455 said bonds, appropriation of all amounts necessary for punctual 456 payment of such principal and interest is hereby made, and the State 457 Treasurer shall pay such principal and interest as the same become 458 due.

This act shall take effect as follows and shall amend the following		
sections:		
Section 1	from passage	New section
Sec. 2	from passage	4-5
Sec. 3	from passage	16-245n
Sec. 4	from passage	16-245m
Sec. 5	from passage	New section

Statement of Purpose:

To authorize two billion dollars in state bonding to be used by a new Department of Clean Energy, which would administer the Renewable Energy Investment Fund, to build a clean energy economy and infrastructure in Connecticut.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]